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LETTER DATED 22 AUGUST 1996 FROM THE PERMANENT REPRESENTATIVE OF AFGHANISTAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the text of the statement of the Ministry of Foreign Affairs of the Islamic State of Afghanistan, dated 22 August 1996 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) A. G. FARHÂDI
Ambassador
Permanent Representative

96-21626 (E) 230896 240896

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Annex

Statement of the Ministry of Foreign Affairs of the Islamic State of Afghanistan, 22 August 1996

The Ministry of Foreign Affairs of the Islamic State of Afghanistan makes the following statement in relation with the peace process in Afghanistan, especially concerning document S/1996/607, dated 31 July 1996, and the letter by the President of the Security Council addressed to the Secretary-General on 22 August 1996 (S/1996/683):

1. The Afghan Government appreciates the interest of its neighbour, the Republic of Uzbekistan, in the peace process in Afghanistan and highly values the efforts of President Islam Karimov in favour of peace in Afghanistan and for the broadening of economic relations between the countries of the region.

2. The Islamic State of Afghanistan reiterates its full support of the General Assembly resolution on Afghanistan adopted by consensus on 19 December 1995 (resolution 50/88), which proves to be increasingly credible and which provides the framework of the mandate of the United Nations Special Mission in Afghanistan. The Islamic State of Afghanistan also considers that the presidential statements adopted on many occasions since 1993 in relation with the situation in Afghanistan contain beneficial and effective elements.

3. The Ministry of Foreign Affairs of the Islamic State of Afghanistan highly appreciates, in the letter of the President of the Security Council to the Secretary-General, the mentioning of the fact that: "The members of the Security Council are convinced that the main responsibility for finding a political solution to the conflict lies with the parties and that all States must refrain from interference." The Afghan Government fully shares these views of the Security Council members.

4. As the General Assembly resolution recognizes, the lack of unity in the political views of the Afghan parties involved, exacerbated by foreign interferences, has been the main factor preventing the securing of an effective and lasting peaceful solution in Afghanistan.

The Government of Afghanistan believes that no means is more needed than national reconciliation for a settlement in Afghanistan. In the same way, no other means of settlement, including an "arms embargo", would be workable without a national reconciliation in the country.

5. It is obvious that an arms embargo can be implemented against a Member State which, by its armed action, violates the disposition of the Charter of the United Nations and creates a threat to international peace and security by an aggressive policy. No article of the Charter stipulates such a measure to be carried out against the Government of a Member State which itself is a victim of foreign interventions and conspiracies and which is defending its sovereignty, independence and territorial integrity.

6. An idea is being floated around that international monitoring teams are to be assigned in the airports in Afghanistan to report on the importation of arms, ammunition and spare parts by the Afghan Government.

It is quite clear that such a proposal is only a prescription to invite the armed groups fighting the Government to broaden their actions of armed aggression simply because no monitoring is practically feasible along the land boundaries adjacent to the territories they are occupying.

Afghanistan as an independent, indivisible, unitary State enjoys its national sovereignty. The Afghan Government has the duty to take necessary measures to defend its territorial integrity and national unity. In accordance with Article 51 of the United Nations Charter, the Islamic State of Afghanistan has the inherent right of self-defence. Any attempt to prevent Afghanistan to strengthen its national defence as a sovereign State would therefore be against the United Nations Charter and practically against the interests of peace, stability and security in the region.

Had the Government of Afghanistan been convinced that not importing arms, ammunition and spare parts would effectively serve security peace in Afghanistan, it would voluntarily decide not to use in practice this very right recognized by international law. On the contrary, armed forces fighting the Afghan Government would find such a situation very convenient for further expanding their acts of aggression including the firing of artillery and rockets on the civilian population of the capital and other acts against the humanitarian laws.

7. As far as the implementation of the arms embargo against the armed groups fighting the Government is concerned, these groups are not legal subjects of international law. Their accountability and their observance of any resolution in this regard is neither legally nor practically credible. The only legal instrument would be the implementation of the curb of illicit transfer of arms to such groups from abroad.

8. The Islamic State of Afghanistan agrees with the majority of Member States that the Security Council does not have to adopt any resolution the implementation of which is exhaustibly burdensome and eventually unattainable. More than 1,250 km-long frontiers in the south-east and south of Afghanistan are unguarded. The requirements of practically implementing an arms embargo on such a ground are not workable and the financial implication involved would be exorbitant. The parties involved will continue to fight by using their arms in their possession even if supposedly a quasi-impossible arms embargo is announced.

9. General Assembly resolution 50/70 J, adopted by consensus on 12 December 1995 on measures to curb the illicit transfer and use of conventional arms, is of great importance in the matter. Unfortunately, this resolution is not implemented in many parts of the world where peace and stability is threatened, including Afghanistan.

10. Document S/1996/607 mentions "the drug trafficking, terrorism, violence and arms trafficking that have accompanied the Afghan crisis".

The Afghan Government believes that these are the characteristics of those areas of Afghanistan where the armed groups fighting the Government are ruling and using these very criminal means for prolonging their domination.

In the areas of Afghanistan ruled by the Government and where the punishment to be undertaken by the Government is predictable, no drug trafficking, terrorism, violence or arms trafficking prevail.

11. The Government of Afghanistan considers that the practices of the Security Council in conducting "the consultation meetings" do not pay any regard to the representative of any Member State directly involved, if that Member State is not a permanent or non-permanent member of the Security Council, to be heard during the consultation.

In the course of the last 50 years, the "consultation meetings" have become increasingly important among the endeavours of the United Nations in favour of peace and security. The most substantive discussions related to the drafting of the resolutions and the presidential statements take place in these "consultation meetings". Not allowing a Member State mainly involved in a matter of peace and security to be heard in the "consultation meetings" may cause the conclusions of these meetings not to serve the purpose of the Council. This is a major point regarding not only the transparency of the workings of the Security Council, but the relations between the Council and the States Members of the United Nations which are not members of the Council, and which are expecting that fairness ought to prevail in all Security Council deliberations.

The Government of Afghanistan formally requests, through this official note, the Security Council to take a favourable procedural decision in order for any Member State directly involved in a matter to acquire the right to be heard during a part of the "consultation meetings".

12. As far as presentation of a draft resolution on Afghanistan, proposed in document S/1996/607, is concerned, the Afghan Government considers that any draft proposed, before being presented to the Security Council, needs to be thoroughly discussed with Afghanistan, the neighbours of Afghanistan and other mainly interested countries.

13. The Government of Afghanistan is also of the opinion that no initiative implying the inefficacy of the United Nations Special Mission in Afghanistan, which currently deploys valuable efforts for a national reconciliation in Afghanistan, must be taken by the Security Council.